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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,890	09/19/2003	Shmuel Shapira	SYM 307	6991

23581 7590 12/10/2004

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EXAMINER

TOOR, SADAF A

ART UNIT PAPER NUMBER

3736

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,890	SHAPIRA, SHMUEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sadaf Toor	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: “analyzing module 40” on page 4, line 4 is inconsistent with Fig. 1, “observation module 40” on page 3, line 4, and “analyzing module 50” on page 3, line 13.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman et al. ('783). Friedman et al. teach a method and apparatus for patient position monitoring. The method comprises attaching position detectors (RF tags 16) to the individual (via garment 2 or 6 (see Fig. 1a-b and 3a-b)), energizing the position detectors, measuring the energy associated with the position detectors via an observation module (detector 58), and identifying, via an analyzing module (central controller 196), a change in a characteristic of energy associated with the position detector by comparing a plurality of measurements taken by the observation module, wherein such a change is indicative of significant movement of the position detectors and a

corresponding position of the individual. See column 13, line 65 through column 14, line 37 and Fig. 6 and 15.

Regarding claims 2-3 and 10-11, Fig. 1a-b and 3a-b show a plurality of position detectors (RF tags 16, 16', and 16A-C), each distinguishable from the other.

Regarding claim 4, the position detectors used in the Friedman et al. system are transponders (RF tags 16). Column 5, line 67 – column 6, line 1 teach that these transponders are known in the art of EAS, and column 8, lines 48-53 teach that the transponders can be the type known in the art of RFID, as disclosed by applicant in paragraph [0013], line 7 of the description to be appropriate transponders.

Regarding claims 5-6 and 8-9, column 13, line 67 – column 14, line 3 teach that the Friedman et al. system is useful in preventing ulcers or bedsores in bedridden patients. Column 15, lines 12-18 further teach that the analyzing module (central controller 196) receives position data and evaluates the data to determine if the patient needs to be moved to avoid pressure ulcers. Although Friedman et al. do not expressly state that central controller 196 includes a timer, it must inherently include a time keeping mechanism to arrive at the determination mentioned above. The system also includes a notification module (alarm 60) for conveying that the individual has not moved for a predetermined period of time.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beggs ('670) teaches an electronic system for sensing and monitoring the presence, absence, and movement of a patient in a bed. Barham et al. ('012) teach a bed position and activity sensing apparatus.


Art Unit: 3736

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadaf Toor whose telephone number is (571) 272-4734. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sat  
12/2/04

  
**CHARLES MARMOR**  
**PRIMARY EXAMINER**